

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

LLOYD JAMES BRIGMAN,	:	CIVIL ACTION NO. 1:21-CV-1169
	:	
Plaintiff	:	(Judge Conner)
	:	
v.	:	
	:	
MAGISTERIAL DISTRICT	:	
COURT 19-2-04, <i>et al.</i>,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 27th day of October, 2021, upon consideration of the report (Doc. 16) of Magistrate Judge William I. Arbuckle, recommending that the court construe plaintiff's motion (Doc. 15) to dismiss as a motion to voluntarily dismiss the complaint pursuant to Federal Rule of Civil Procedure 41(a)(2), and grant the motion as so construed, and the court noting that no party has objected to the report, see FED. R. CIV. P. 72(b)(2), and further noting that failure of a party to timely object to a magistrate judge's conclusions "may result in forfeiture of *de novo* review at the district court level," Nara v. Frank, 488 F.3d 187, 194 (3d Cir. 2007) (citing Henderson v. Carlson, 812 F.2d 874, 878-79 (3d Cir. 1987)), but that, as a matter of good practice, a district court should afford "reasoned consideration" to the uncontested portions of the report, E.E.O.C. v. City of Long Branch, 866 F.3d 93, 100 (3d Cir. 2017) (quoting Henderson, 812 F.2d at 879), in order to "satisfy itself that there is no clear error on the face of the record," FED. R. CIV. P. 72(b), advisory committee notes, and, following an independent review of the record, the court

agreeing with Judge Arbuckle's analysis and recommendation, and concluding that there is no clear error on the face of the record, it is hereby ORDERED that:

1. Magistrate Judge Arbuckle's report (Doc. 10) is ADOPTED.
2. Plaintiff's motion (Doc. 9) is CONSTRUED as a motion to voluntarily dismiss the complaint pursuant to Federal Rule of Civil Procedure 41(a)(2) and is GRANTED as so construed.
3. Plaintiff's complaint (Doc. 1) is DISMISSED.
4. Plaintiff's motion (Doc. 6) for preliminary injunction and defendant's motion (Doc. 12) to dismiss are DENIED as moot.
5. The Clerk of Court shall CLOSE this case.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania